

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN EDISON,

Plaintiff,

Case No. 23-cv-11741

Honorable Judith E. Levy

v.

NORTHVILLE TOWNSHIP, a municipal corporation,
POLICE OFFICER BEN SELLENRAAD, in his
professional and individual capacities, FADIE JAMIL KADAF,
and JEAHAD KADAF,

Defendants.

THOMAS H. RANDOLPH III (P53563)	JAMES R. ACHO (P62175)
Randolph Law Group, PC	MATTHEW C. WAYNE (P80542)
Attorney for Plaintiff	Cummings McClorey Davis & Acho
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AFFIRMATIVE DEFENSES

NOW COME Defendants, NORTHVILLE TOWNSHIP and POLICE
OFFICER BEN SELLENRAAD, by and through counsel, and for their Affirmative
Defenses, state as follows:

1 Some or all of the claims made by the Plaintiff herein are or may be
barred by the applicable statute of limitations.

2 At all times relevant hereto the Defendants Northville Township and Sellenraad acted in good faith, with probable cause, without malice, while performing discretionary activities.

3 The Plaintiff's claims are barred by the doctrine of privilege as provided to police officers under the laws of the State of Michigan and the Constitution of the United States.

4 That the injuries or damages complained of by the Plaintiff were solely or partly the proximate result of Plaintiff's own wrongful and unlawful conduct, negligence or comparative negligence.

5 Plaintiff's State Court claims are barred by the defense of governmental immunity (691.1407(2)).

6 Plaintiff Edison's Complaint fails to state any cognizable claim or cause of action upon which relief can be granted against these Defendants.

7 Defendant Sellenraad did not violate any federal right of Plaintiff Edison, so the individual Defendant Sellenraad has qualified immunity against any Section 1983 claim.

8 To the extent that Plaintiff Edison's Complaint asserts a state-law claim, Defendants Northville Township and Sellenraad are protected from liability by governmental immunity as recognized by Michigan law.

9 Plaintiff Edison's claims against Defendants Northville Township and Sellenraad are barred by the doctrine of privilege that applies to the actions of police officers under the laws of the State of Michigan and the Constitution of the United States.

10 Plaintiff Edison has not suffered any damage or injury proximately caused by Defendants Northville Township and Sellenraad.

11 The injuries and/or damages alleged by Plaintiff Edison were caused solely, or in part, by acts and/or omissions by Plaintiff Edison himself, not the conduct of Defendants Northville Township and Sellenraad, such that any recovery would be reduced by his comparative fault.

12 That the Plaintiff's claims may be barred by the Younger doctrine, 401 U.S. 37 (1971).

13 That the Plaintiff's claims may be barred by the doctrines outlined in *Heck v. Humphrey* and/or the Rooker-Feldman doctrine.

14 Plaintiff Edison has failed to identify any policy, practice or custom having any causal relationship to any alleged violation of his rights, and Edison thus faults to plead any cognizable or valid claim against Defendants Northville Township and Sellenraad.

15 Plaintiff's state-law claims may be barred by *res judicata*.

16 Defendants Northville Township and Sellenraad reserve the right to amend and/or supplement these affirmative defenses as the factual bases for doing so are revealed through discovery or otherwise.

Respectfully submitted,

s/ James R. Acho

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Date: August 22, 2023

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record; and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: N/A

s/ James R. Acho